IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6334 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SATISHBHAI NANUBHAI PATEL - Petitioner(s)

Versus

DY.EXECUTIVE ENGINEER - Respondent(s)

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Appearance :

MRS SANGEETA N PAHWA for Petitioner No(s).: 1.

MR KL PANDYA AGP for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 18/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 20.02.1999 passed by the Labour Court, Surat, in

Reference (LCS) No.105 of 1989, whereby the said reference was allowed.

2.0 The petitioner was working as a Rojamdar under the respondent w.e.f. 21.12.1984 and was terminated on 10.08.1988. Pursuant to his termination, the petitioner raised a dispute, which, ultimately, came to be referred to the Labour Court by way of a reference. The Labour Court by award dated 17.11.1990 directed to reinstate the petitioner with full back wages.

2.1 Thereafter, the respondent preferred applications to set aside its earlier award and to restore the reference. The said reference was re-heard for four times. Thereafter, by order dated 20.02.1999, the Labour Court issued the said directions. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The Labour Court has given cogent reasons while denying 50% back wages to the petitioner. I am in complete agreement with the reasonings given by the Labour Court in its impugned award and find no reason to interfere in this petition. Apart from that, in view of the principle laid down by

the Apex Court of “No Work No Pay”, the petitioner cannot be said to be entitled for back wages. Hence, the petition deserves to be dismissed.

4.0 In the result, the petition is dismissed. The impugned order dated 20.02.1999 passed by the Labour Court, Surat, in Reference (LCS) No.105 of 1989, is confirmed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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